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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------------------|---------------------|------------------|
| 10/089,995 | 07/25/2002 | Marinus Gerardus Cornelis Kivits | 2001-1028 | 5816 |
| <div>466 7590 07/23/2009</div> <div>YOUNG & THOMPSON</div> <div>209 Madison Street</div> <div>Suite 500</div> <div>ALEXANDRIA, VA 22314</div> | | | | |
| EXAMINER | | | | |
| SHAFTER, SHULAMITH H | | | | |
| ART UNIT | | PAPER NUMBER | | |
| 1647 | | | | |
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| 07/23/2009 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MARINUS GERARDUS CORNELIS KIVITS, ANDOR
WILHELM JOSEPH HENDRICKS and LEONARD FRANCISCUS
MALLEE

Application No. 10/089,995
Technology Center 1600

Mailed: July 23, 2009

Before Quita Gould *Supervisory Paralegal Specialist*
Gould, *Supervisory Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on April 23, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

AMENDMENT AFTER FINAL

A review of the file indicates that on August 16, 2007, Appellant filed an Amendment After Final which proposed cancellation of claims 24-32, in response to the Final Rejection mailed February 26, 2007.

The Examiner must indicate whether or not the proposed amendment will or will not be entered for purposes of appeal. Clarification from the Examiner is required.

CONCLUSION

Accordingly, it is ORDERED that the application is returned to the Examiner to:

- (1) appropriately respond to the Amendment After Final filed August 16, 2007; and
- (2) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

QSG/saw

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